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TO	John Brusca
COMPANY	USPTO
FAX NUMBER	15712730714
FROM	Kenneth Cool
DATE	2004-03-30 14:43:22 GMT
RE	Refax of RCE papers

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COVER MESSAGE

Per you voicemail from yesterday, I am refaxing the RCE papers to you including the RCE fax receipt which apparently did not go through from the other day. I apologize for the inconvenience. Please let me know if there is anything else you need from me. My telephone is (408) 850-1229. Thank you.

Ken Cool

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408-716-2586

p. 1

Kenneth J. Cool
7290 Briham Circle
Castle Rock, CO 80108
Tel. (408) 850-1229
Fax (408) 716-2586

Kenneth J. Cool
40,570

Fax

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To: Ex. John Brusca USPTO

From: Kenneth J. Cool

Fax: (571) 273-0714

Pages: 16

Phone: (571) 272-0714

Date: 3/28/2004

Re: 09/846,985

CC:

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• **Comments:** Per your request, enclosed please find a copy of the RCE and related papers transmitted to the USPTO on Dec. 22, 2003, along with the Auto-Reply Facsimile Transmission receipt. Please note my credit card was in fact charged by the USPTO in the amount of \$860.00 on Dec. 23, 2003 for charges related to this RCE filing.

TOTAL PAGES = 16 including this cover sheet.

*Resend due to
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p. 2

USPTO 12/22/2003 6:08 PM PAGE 1/001 Fax Server
 TO:Auto-reply fax to 720 384 0753 COMPANY:

Auto-Reply Facsimile Transmission



TO: Fax Sender at 720 384 0753

Fax Information

Date Received:

Total Pages:

Fax Sender at 720 384 0753

12/22/2003 6:00:57 PM [Eastern Standard Time]

9 (including cover page)

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=====>

Jan 10 00 07:34a		720-384-0753		p. 1	
<p>Approved for use by the USPTO and the United States Patent and Trademark Office (USPTO) for the purpose of receiving facsimile transmissions. This form is not to be used for any other purpose.</p>					
<p>TRANSMITTAL FORM</p> <p>as to use of correspondence after receipt</p>		<p>Form 100 (Rev. 12/22/03)</p> <p>USPTO Patent and Trademark Office (USPTO) for the purpose of receiving facsimile transmissions. This form is not to be used for any other purpose.</p>			
<p>Total Number of Pages in This Transmission: 9</p>		<p>Form 100 (Rev. 12/22/03)</p>			
<p>ENCLOSURES (Check all that apply)</p>					
<p><input type="checkbox"/> Fee Transmittal Form</p> <p><input type="checkbox"/> Fee Attached</p> <p><input checked="" type="checkbox"/> Amendment/Reply</p> <p><input type="checkbox"/> After Final</p> <p><input type="checkbox"/> After Amendment/Reply</p> <p><input type="checkbox"/> Extension of Time Request</p> <p><input type="checkbox"/> Extension of Time Request</p> <p><input type="checkbox"/> Information Disclosure Statement</p> <p><input type="checkbox"/> Certified Copy of Priority Document</p> <p><input type="checkbox"/> Response to Missing Part/Incomplete Application</p> <p><input type="checkbox"/> Response to Missing Part/Incomplete Application</p>		<p><input type="checkbox"/> Drawing</p> <p><input type="checkbox"/> Utility-related Papers</p> <p><input type="checkbox"/> Patent</p> <p><input type="checkbox"/> Response to Conversion of Provisional Application</p> <p><input type="checkbox"/> Power of Attorney/Modification</p> <p><input type="checkbox"/> Change of Correspondence Address</p> <p><input type="checkbox"/> Petition to Reopen</p> <p><input type="checkbox"/> Request for Extension</p> <p><input type="checkbox"/> Other (Number of Other):</p> <p><input type="checkbox"/> Remarks:</p> <p>Other Action Requested - After Final</p> <p>Remarks (700) 875-0000</p>			
<p>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</p>					
<p>Name of Transmitter:</p> <p>Signature:</p> <p>Date:</p>		<p>Name of Transmitter: Kenneth J. Cool</p> <p>Signature: [Signature]</p> <p>Date: December 22, 2003</p>			
<p>CERTIFICATE OF TRANSMISSION</p>					
<p>I hereby certify that the correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage on the date that it is a workplace addressed to the Commissioner for Patents, P.O. Box 450, Alexandria, VA 22304-0450 on the date shown below.</p>					
<p>Typed or printed name:</p> <p>Signature:</p>		<p>Name of Transmitter: Kenneth J. Cool</p> <p>Signature: [Signature]</p> <p>Date: Dec. 22, 2003</p>			
<p>This certificate of transmission is required by 37 CFR 1.8. The information is required to obtain a receipt for the transmission. The information is required to be provided to the USPTO or deposited with the United States Postal Service with sufficient postage on the date that it is a workplace addressed to the Commissioner for Patents, P.O. Box 450, Alexandria, VA 22304-0450 on the date shown below. The information is required to be provided to the USPTO or deposited with the United States Postal Service with sufficient postage on the date that it is a workplace addressed to the Commissioner for Patents, P.O. Box 450, Alexandria, VA 22304-0450 on the date shown below. The information is required to be provided to the USPTO or deposited with the United States Postal Service with sufficient postage on the date that it is a workplace addressed to the Commissioner for Patents, P.O. Box 450, Alexandria, VA 22304-0450 on the date shown below.</p>					
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p. 3

PTO/SB/21 (08-03)

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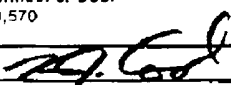
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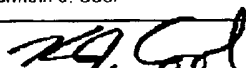
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/846 985	
	Filing Date	May 01, 2001	
	First Named Inventor	Kenneth J. Cool	
	Art Unit	1631	
	Examiner Name	Brusca, John S.	
Total Number of Pages in This Submission	14	Attorney Docket Number	DTR112

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks RCE Transmittal Fee Transmittal Credit Card Payment Form Extension of Time Preliminary Amendment		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kenneth J. Cool 40,570
Signature	
Date	December 22, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Faxed to (703)872-9306	
Typed or printed name	Kenneth J. Cool
Signature	
Date	Dec. 22, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/30 (09-03)

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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/846,985
Filing Date	May 01, 2001
First Named Inventor	Kenneth J. Cool
Art Unit	1631
Examiner Name	Brusca, John S.
Attorney Docket Number	DTR112

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **(Submission required under 37 CFR 1.114)** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☐ Deposit Account No. _____
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Kenneth J. Cool	Registration No. (Attorney/Agent)	40,570
Signature	<i>Kenneth J. Cool</i>	Date	December 22, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

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Name (Print/Type)	Kenneth J. Cool	Date	Dec. 22, 2003
Signature	<i>Kenneth J. Cool</i>		

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Void date: 04/15/2004 AWONDAF1

04/15/2004 AWONDAF1-00000019-09846985

01-FC:2001

-385.00-00

04/15/2004 AWONDAF1 00000019 09846985

01-FC:2001

-385.00-00

Mar 29 04 12:58a

408-716-2586

p.5

PTO/SB/17 (10-03)

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)**860**

Complete if Known

Application Number **09/846,985**
 Filing Date **MAY 01, 2001**
 First Named Inventor **COOL**
 Examiner Name **BRUSCA, JOHN S.**
 Art Unit **1631**
 Attorney Docket No. **DTR112**

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:
 Deposit
 Account
 Number
 Deposit
 Account
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The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X =
 Independent Claims -3** = X =
 Multiple Dependent =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				(\$)	

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	475
1254	1,460	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	385
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**860**

SUBMITTED BY

Name (Print/Type) **KENNETH J. COOL** Registration No. **40,570** Telephone **(408) 850-1229**
 Signature **KJ Cool** Date **Dec. 22, 2003**

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P. 6

PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**860****Complete if Known**

Application Number	09/846,985
Filing Date	MAY 01, 2001
First Named Inventor	COOL
Examiner Name	BRUSCA, JOHN S.
Art Unit	1631
Attorney Docket No.	DTR112

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number
Deposit Account Name

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	475
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(g)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	385
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**860****SUBMITTED BY**Name (Print/Type)
KENNETH J. COOL
Signature
*K. Cool*Registration No.
(Attorney/Agent)**40,570**

(Complete if applicable)

Telephone (408) 850-1229

Date
Dec. 22, 2003**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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p. 9

Docket No.: DTR112

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/846,985 Confirmation No. 3901
Inventor : Cool, Kenneth J.
Filed : May 01, 2001
Art Unit : 1631
Examiner : Brusca, John S.
Title : Electronic Hybridization Assay and Sequence Analysis

PRELIMINARY AMENDMENT

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Kindly consider the following:

CERTIFICATE OF TRANSMISSION

I hereby certify that I am causing the above-referenced correspondence to be facsimile transmitted to the US Patent and Trademark Office on the date shown below:

December 22, 2003

Date of Transmission

Kenneth J. Cool

Name of Person Faxing Correspondence

Signature

Date

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INTRODUCTORY COMMENTS**Status & Request for an Extension of Time**

This Preliminary Amendment is submitted in reply to the final Office Action dated March 21, 2003 for which the shortened statutory period was set to expire on June 21, 2003. A Notice of Appeal was filed on July 21, 2003, along with an accompanying extension of time request. An appeal brief was thereby due on September 21, 2003. The Applicant is filing herewith a Request for Continued Examination (RCE) along with an accompanying extension of time request to extend the date on which the appeal brief would be due. A completed Fee Transmittal form along with a credit card payment form is submitted herewith. Authorization to charge any appropriate fee, or to credit any overpayment, to the credit card identified in the credit card payment form, is hereby given. It should be noted that December 21 falls on a Sunday, to the period of response expires on Monday, December 22, 2003.

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